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Docket No.: PC-8432B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

GORAN LUKIC )

Examiner: S. Maki

Serial No.: 08/636,206 )

Filed: APRIL 22, 1996 )

Art Unit: 1733

For: METHODS FOR APPLYING A )  
COVERING LAYER TO A STENT )  
(AS AMENDED) )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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REPLY BRIEF

The Examiner's Answer (paper No. 17, mailed July 31, 1998) raises a new issue regarding support for "expanding" a stent as recited in the claims.

The Examiner previously denied that literal support existed in appellant's specification for "expanding" a stent: "...in addition to not providing literal support, the original disclosure fails to reasonably convey to one of ordinary skill in the art that applicant had possession of the concept of what is now claimed." (paper No. 11, 3:10-14.)

The Examiner now "agrees that literal support for 'expanding' is found in the specification" (paper No. 17, 11:3-4.) But he raises the new issue that the specification allegedly fails to disclose the active sense of the word expanding.

However, the four excerpts presented by Appellant in his Appeal Brief do support an active sense. For instance, the specification discloses a variant method "whereby *after expansion of the stent* the solvent is allowed to evaporate" (6:24-30,

emphasis added). This excerpt relates to an active sense. It does not relate to a passive sense which would recite "after the stent is allowed to expand..."

Further, Appellant has pointed out that expanding stents, in the active sense, is conventional and known to those skilled in the art. The Examiner has agreed that the Appellant is not required to describe the conventional (paper no. 17, 12:1-2). Thus, one skilled in the art would understand the specification, particularly the four excerpts presented by Appellant in his Appeal Brief, to include the active sense of "expanding".

Appellant believes that no further comments are required in response to the Examiner's Answer.

The Commissioner is hereby authorized to charge Deposit Acct. No. 16-1445 any amount required for the filing of this paper. This paper is being filed in triplicate.

Respectfully submitted,

Date: Sept 9, 1998

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BY Philip C. Strassburger  
Reg No. 34,258